

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Elimination of Main Studio Rule)	MB Docket No. 17-106
)	

***COMMENTS OF
ACTUALIDAD MEDIA GROUP, LLC***

Actualidad Media Group, LLC (“AMG”)¹ submits these comments in response to the Commission’s *Notice of Proposed Rulemaking*² (“*NPRM*”) to eliminate the main studio rule.³

The *NPRM* invites comments, in paragraphs 7 through 11, on a variety of questions and issues relating to main studio operations in the real world, and AMG in these comments will offer the Commission its experiences as a longtime broadcaster.

A. “*How significant are these costs, particularly for small stations?*” AMG must maintain several main studios because of the geographic location of its 4 broadcast licenses, in each case requiring rent payments, utilities, and staffing. The costs represent a significant portion of its operating expenses annually and as a small broadcaster, represent a significant burden to AMG in providing programming and services to its communities of license.

B. “*Would eliminating the main studio rule, as well as the associated staffing and program origination capability requirements, enable broadcasters to allocate greater resources to programming and other matters?*” In AMG’s case, elimination of the rule and associated staffing and program origination requirements would definitely permit allocation of additional funds to programming and community service matters. AMG already relies upon its integration and involvement in the Hispanic community in its market to serve that population with programming relevant to them and provide news and information relevant to that community. Having additional resources available to it because of operational savings arising from elimination of the rule would serve to enhance the integration efforts AMG makes with its listener community. For example, it could increase the number of community outreach events it hosts as well as increase its budget for local news production and programming by utilizing some of the operational savings associated with the rule elimination.

C. “*Would eliminating the rule make it more efficient for co-owned or jointly operated broadcast stations to co-locate their offices, rather than operating a main studio in or near each station’s community of license?*” It would certainly increase

¹ AMG is the parent company of 4 separate FCC licensees, for WURN (AM), WLVI (AM) WMYM (AM) and WURN-FM.

² *Notice of Proposed Rulemaking* in MB Docket No. 17-106 (rel. May 18, 2017)(“*Notice*”)

³ 47 CFR § 73.1125(a)-(d).

efficiencies for co-owned stations to co-located their offices and studios, as it would permit staff to be fully integrated in one location (rather than operating separately from distinct locations) and reduce costs associated with multiple physical locations. Having staff all in one location also creates greater productivity and efficiencies because of the accessibility of personnel to review and resolve issues that arise on a day to day basis, and permits efficient allocation of staff to tasks by management.

D. *“How frequently do stations receive in-person visits from members of the community, and are those visits to request access to hard copy public inspection files or for other purposes?”* AMG generally communicates with members of the community via telephone/text/skype as guests or callers on its local programming with significant frequency, but has only received one (1) visit ever to review the public inspection file and infrequent visits for other purposes (i.e. to pick up a contest prize, for example). Most interaction with the community is either via electronic means (Facetime, Skype, Twitter, Instagram, Snapchat, etc.) or when AMG hosts or is present at events within the community (Festivals, sporting events, etc.). Generally, the physical main studio location is not the primary (or even secondary) means by which the public interacts with the AMG stations.

E. *“To what extent do people contact stations by telephone, by mail, or online, rather than through in-person visits?”* As stated above, AMG’s receipt of communications from the public is almost exclusively via online or telephonic means. There is virtually no physical mail or in-person visits by members of the local community.

F. *“Have technological advances, including widespread access to the Internet, mobile telephones, email, and social media, obviated the need to accommodate in-person visits from community members?”* The unfettered access to the Internet, particularly through mobile devices, has completely obviated the need to accommodate in-person visits from community members. Virtually all communication with AMG broadcast talent from the local community comes via telephone, social media, or web-based communication. Programming hosts are frequently interacting with listeners on social media while they are both on the air and after their shows, and continuing the dialogue begun with the broadcast programming onwards over social media.

G. *“If we eliminate the main studio rule, would competitive market conditions ensure that stations will continue to keep apprised of significant local needs and issues?”* AMG believes unequivocally that even if the main studio rule were eliminated, it would have to remain apprised of significant local needs and issues to survive in the competitive local market. AMG has learned that it is critical to remain involved in its community through multiple channels in order to ensure that the community supports its stations. The presence or lack thereof of a physical location within the community is not the determinative issue; rather, it is the commitment of time and personnel to be active in the community and to reach out to all facets of the community that ensures the community’s continued support of AMG’s stations. Elimination of the main studio rule will not change that dynamic.

H. *“Would eliminating the main studio rule impact a station’s ability to communicate time-sensitive or emergency information to the public?”* In AMG’s experience, it is not the location of the main studio that impacts its ability to communicate information to the public. It is electronically “present” in the community at

all times through its local interactive broadcast programming and integration of social media into its programming, so that anytime there is a significant event in the community, AMG will learn of it (typically first on social media, then via traditional means) and be able to disseminate relevant information as quickly as it can be vetted and broadcast. Elimination of the main studio rule would not impact that ability in any fashion.

I. *“We invite comment on the continued relevance of the program origination capability requirement that currently applies to main studios. What function does it serve today? To what extent do stations produce local programming at their main studios? If we eliminate the main studio rule, should we maintain the program origination capability requirement, and, if so, how? Would program origination, to the extent it happens today, occur anyway absent any capability requirement as stations seek to continue to meet viewers’ and listeners’ interests?”* AMG does produce a significant amount of programming itself in order to serve its community with relevant information and entertainment. While some broadcasters have opted to import national programming from program distributors, which does in some fashion also serve listener’s needs, AMG believes that serving its local population with relevant local programming is the best way to maintain the support of its community and to operate profitably. Even if program origination requirement were eliminated, AMG believes that a significant number of broadcasters would continue to provide local program origination as a matter of prudent business operation, in order to serve their communities and receive the economic support of same through advertising sales.

J. *“We propose to retain section 73.1125(e) of our rules, which requires “[e]ach AM, FM, TV and Class A TV broadcast station [to] maintain a local telephone number in its community of license or a toll-free number.”⁴ We invite comment on this proposal. Would retention of this requirement help ensure that members of the community continue to have access to their local broadcast stations, for example, to share concerns or seek information, if the current main studio requirements are eliminated? Stations currently are required to post their telephone numbers in their online public files.⁵ If we eliminate the main studio rule, should we encourage stations to also publicize their phone numbers in additional ways, such as on their websites? Should we require the telephone number to be staffed during normal business hours so that community members may seek assistance during that time? Or, should we require the telephone number to be staffed at all times in which the AM, FM, or Class A TV station is on the air? Alternatively, is a staffed telephone number requirement unnecessary so long as station staff regularly retrieves and responds promptly to voicemail messages from the public left at that telephone number? If community members must leave a voicemail message in order to reach a local broadcast station, will this impede the station’s ability to relay time-sensitive emergency information to the public? Should we instead require each station to designate a point of contact to respond to communications from the public? We invite comment on these alternatives and any other approaches we should consider to ensure that members of the public can easily contact station representatives and receive timely responses. Should broadcasters establish processes to ensure their ability to receive time-sensitive or emergency information during non-business hours?”*

⁴ 47 CFR § 73.1125(e).

⁵ See *id.* §§ 73.3526(b)(2)(ii), 73.3527(b)(2)(iii).

AMG believes that the Commission should retain/adopt a rule requiring stations to maintain a telephone number (local or toll free is now mostly irrelevant given that any number generally when dialed from a wireless phone or IP telephony has no fixed cost) and to publicize that number on a station website. That number should be staffed during normal business hours (9 to 5) and have voicemail during non-business hours, and provide in the voicemail message during non-business hours the number of an emergency contact for the public to communicate with in order to relay emergency information. That emergency contact should be someone capable of causing the station to interrupt regular programming to provide emergency information if warranted.

Finally, AMG believes that whatever action the Commission takes, it should be applied equally to all AM, FM and TV stations, rather than the alternative proposal in the *Notice* of developing some subset of stations to which the rule would be abolished, since that would always result in some element of inequity amongst similarly situated broadcasters.

Conclusion

For the foregoing reasons, AMG favors abolishment of the main studio rule as contemplated by the *Notice*.

Respectfully Submitted

/S/

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